



WEB COPY



Crl.O.P.No. 25035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.25035 of 2023

Sankar

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Vaniyambadi PEW Police Station,
Vaniyambadi, Thirupathur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / Accused on bail in Crime No.497 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 30.08.2023, seeks bail in Crime No.497 of 2023, which was registered by



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the respondent Police for the offences under Sections 4(1)(aaa), 4(1-A)(ii) of TNP Act r/w Section 328 of IPC.

2.The case of the prosecution is that the petitioner was found in illegal possession of 105 litres of ID arrack.

3.It is contended by the learned counsel for the petitioner that the petitioner has been in judicial custody for a considerable period of time and substantial case has been put against him.

4.However, taking into consideration the period of incarceration and there has been substantial progress in the trial, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** directly to the credit of "**The Dean/Medical Officer, Government Medical College and Hospital, Vellore**", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniyambadi and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

03.11.2023

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C.V.KARTHIKEYAN, J.

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To

1. The Judicial Magistrate, Vaniyambadi.
2. The Inspector of Police,
Vaniyambadi PEW Police Station,
Vaniyambadi, Thirupathur District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

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